

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

ADAM WIERCINSKI,

Plaintiffs,

v.

MANGIA 57, INC., et al.,

Defendants.

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.
★ NOV 29 2011 ★
BROOKLYN OFFICE

Case No. 09-CV-4413 (ILG) (JO)

**STIPULATION OF PARTIAL
DISMISSAL WITH PREJUDICE**

PLEASE TAKE NOTICE that the parties to the above-captioned matter, by and through their undersigned attorneys, hereby stipulate to the dismissal, as set forth below, of certain defendants and certain claims for relief in this matter, with prejudice, and without costs or fees to any party, and waiving all rights of appeal.

Dismissed Defendants

Plaintiff hereby stipulates to the dismissal of all individual defendants in this matter:

Sasha Muniak a/k/a Sasha A. Muniak a/k/a Sasha T. Muniak;

Artur Zbozien;

Malgorzata Cymanow a/k/a Margaret Cymanow;

Grzegorz Sarosiek;

Robert Bazgier; and

Dariusz Maslanka.

The only remaining defendant is Mangia 57, Inc.

Dismissed Claims

Plaintiff hereby stipulates to the dismissal of the following claims for relief:

**Title VII claim for disparate treatment based on religion and national origin
(Count Three);**

Title VII claim for retaliation (Count Five);

**Claims for disparate treatment and retaliation (but not hostile work environment)
under 42 U.S.C. § 1981 (Count Eight);**

Conspiracy claim under 42 U.S.C. § 1985 (Count Nine);

Neglect claim under 42 U.S.C. § 1986 (Count Ten);

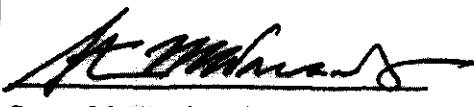

Generic unlawful discharge claim (Count Twelve);

**Note: The Court previously dismissed all of the plaintiff's claims under state and
city laws (Count Two, Count Four, Count Six, Count Seven, Count Eleven).**

**Nothing in this stipulation waives, limits, or otherwise affects the Defendants' right to
appeal Judge Glasser's Memorandum & Order, dated July 2, 2010.**

**The only remaining claims are the plaintiff's Title VII claim for hostile work
environment based on religion (Count One) and the plaintiff's hostile work environment claim
under 42 U.S.C. § 1981 based on race (ancestry/ethnicity) (Count Eight).**

STIPULATED AND AGREED BY THE PARTIES, BY AND THROUGH THEIR
UNDERSIGNED ATTORNEYS:

For Plaintiff:  Steven M. Warshawsky, Esq. Empire State Building 350 Fifth Avenue, 59 Floor New York, NY 10118 (212) 601-1980 Dated: November <u>28</u> , 2011	For Defendants:  Roger Juan Maldonado, Esq. Andrew William Prior, Esq. Balber Pickard Maldonado & Van Der Tuin, P.C. 1370 Avenue of the Americas New York, NY 10019 (212) 246-2400 Dated: November <u>28</u> , 2011
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SO ORDERED:

S/ILG

~~Hon. Janice Orenstein, M.J.~~
U.S.D.J.

11/29/11
Date